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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/309,844 05/11/99 PACK

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PM82/0815

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EXAMINER

PAUL J MAGINOT
MAGINOT ADDISON & MOORE
BANK ONE CENTER/TOWER
111 MONUMENT CIRCLE SUITE 3000
INDIANAPOLIS IN 46204-5130

MCKINLEY, K

ART UNIT	PAPER NUMBER
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3619

DATE MAILED:

08/15/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/309,844

Applicant(s)

Pack

Examiner

Kevin McKinley

Group Art Unit

3619



☒ Responsive to communication(s) filed on May 11, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-18 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8-13, 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Couse.

As shown in figure 1, Couse discloses a working machine with a main frame, a cab assembly 5, a work implement 12, ground engaging mechanism 3, 4 coupled to the engine, a truck bed as shown in figure 1, an engine 6 and radiator assembly 19 mounted on the main frame along with a transmission assembly generally shown at 17 which is interposed between the engine and the radiator. The cooling core of the radiator is best seen in figure 5 and comprises a conduit 26, 30 which carries a cooling fluid from the radiator to the engine. The cooling core is oriented at an angle of approximately 90 degrees with respect to an imaginary line L2 oriented at a right angle with respect to the longitudinal axis of the vehicle. The angle the cooling core has with respect to line L2 falls within the range set forth in claim 2.

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Couse as applied to claim 1 above, and further in view of Kunze et al.

Couse, as set forth in detail above, does not disclose the cooling core interposed between the radiator fan and the engine assembly. However, Kunze et al. discloses a engine cooling system with the cooling core 5 interposed between the radiator fan 7 and the engine 3, as best seen in figure 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to insert the cooling arrangement like that taught by Kunze and add it to the system of Couse in order to allow for the fans to be farther away from the engine and to draw in cooler air which will expedite the cooling of the water to be returned back to the engine compartment.

5. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Couse and Kunze as applied to claim 6 above, and further in view of Burney.

Couse and Kunze, as set forth in detail above, does not disclose an engine assembly interposed between the engine fan and the radiator fan. However, Burney discloses an engine assembly 1 interposed between the engine fan 12 and the radiator fan 8. It would have been

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obvious to one of ordinary skill in the art at the time the invention was made to insert the cooling arrangement like that taught by Burney and add it to the system of Couse and Kunze in order to allow the fan to efficiently draw the heat off the engine and disperse it which will allow the radiator to draw in the coolest possible air which will help keep the engine at the optimum running temperature.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Otani et al. discloses an apparatus for cooling.

Wilson discloses an engine cooling system.

Johnston discloses an engine water cooler.

Hauser discloses a cooling system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin McKinley whose telephone number is (703) 306-5782. If Kevin can not be reached, please contact Lanna Mai at (703) 308-2486.

KM

July 27, 2000


KEVIN HURLEY
PRIMARY EXAMINER